

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

Michael D. McCain,	:	
	:	
Plaintiff	:	Civil Action 2:10-cv-00791
	:	
v.	:	Judge Graham
	:	
Mona Parks, <i>et al.</i> ,	:	Magistrate Judge Abel
	:	
Defendants	:	

Report and Recommendation

This matter is before the Magistrate Judge on plaintiff Michael D. McCain's August 26, 2011 motion for a Rule 65(a)(1) injunction order (doc. 55). Plaintiff seeks an order from the Court stating that he may continue to prosecute his civil actions and that he is permitted to send out his legal mail even though he does not have adequate funds in his inmate account at the time of mailing. Plaintiff states that he does not have any money in his inmate account, and he is unable to make necessary copies or mail his filings.

The staff of the mail department and prison administration are not a parties to this case, and the Court has no authority to issue a preliminary injunction with respect to their actions in this case. *See, generally, Block v. Rutherford*, 468 U.S. 576, 584-85 (1984); *Bell v. Wolfish*, 441 U.S. 520, 547-48, 554-55, 562-63 (1979).

The Magistrate Judge RECOMMENDS that plaintiff's August 26, 2011 motion for an injunction (doc. 55) be DENIED; however, plaintiff is granted an extension of time in which to file his response in opposition to defendants' motion for summary judgment. Plaintiff has until September 14, 2011 to file his memorandum in opposition.

If any party objects to this Report and Recommendation, that party may, within fourteen (14) days, file and serve on all parties a motion for reconsideration by the Court, specifically designating this Report and Recommendation, and the part thereof in question, as well as the basis for objection thereto. 28 U.S.C. §636(b)(1)(B); Rule 72(b), Fed. R. Civ. P.

The parties are specifically advised that failure to object to the Report and Recommendation will result in a waiver of the right to *de novo* review by the District Judge and waiver of the right to appeal the judgment of the District Court. *Thomas v. Arn*, 474 U.S. 140, 150-152 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981); *United States v. Sullivan*, 431 F.3d 976, 984 (6th Cir. 2005); *Miller v. Currie*, 50 F.3d 373, 380 (6th Cir. 1995). Even when timely objections are filed, appellate review of issues not raised in those objections is waived. *Willis v. Sullivan*, 931 F.2d 390, 401 (6th Cir. 1991).

s/ Mark R. Abel
United States Magistrate Judge